

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD HENDRIX,
Petitioner,

v.

RICHARD RIMMER,
Respondent.

No. C 06-05328 SBA (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk of the Court sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed. Petitioner did not respond to the Clerk's notice.

On August 2, 2007, the Court issued an Order Directing Payment of Filing Fee or Filing of In Forma Pauperis Application. The Clerk sent Petitioner another blank in forma pauperis application. The Court directed Petitioner to either pay the fee or return the completed application within thirty days or his action would be dismissed.

More than thirty days have passed and Petitioner has not paid the filing fee, returned the in forma pauperis application or otherwise communicated with the Court.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Clerk shall close the file. No filing fee is due.

IT IS SO ORDERED.

DATED: 9/14/07


SAUNDRA BROWN ARMSTRONG
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EDWARD HENDRIX,

Case Number: CV06-05328 SBA

Plaintiff,

CERTIFICATE OF SERVICE

v.

RICHARD RIMMER et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 17, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward Hendrix P43877
827 Pine Street, #33
W. Sacramento, CA 95691

Dated: September 17, 2007

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk